

REFERENCE TITLE: **public record requests**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1237

Introduced by
Senator Nelson

AN ACT

AMENDING SECTION 39-121.02, ARIZONA REVISED STATUTES; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 39-121.02, Arizona Revised Statutes, is amended to
3 read:

4 39-121.02. Action on denial of access: costs and attorney fees;
5 damages; defense

6 A. Any person who has requested to examine or copy public records
7 pursuant to this article, and who has been denied access to or the right to
8 copy ~~such~~ THE records, may appeal the denial through a special action in the
9 superior court, pursuant to the rules of procedure for special actions
10 against the officer or public body.

11 B. The court may award attorney fees and other legal costs that are
12 reasonably incurred in any action under this article if the person seeking
13 public records has substantially prevailed. ~~Nothing in This paragraph shall~~
14 ~~SUBSECTION DOES NOT~~ limit the rights of any party to recover attorney fees
15 pursuant to section 12-341.01, subsection C, or attorney fees, expenses and
16 double damages pursuant to section 12-349.

17 C. Any person who is wrongfully denied access to public records
18 pursuant to this article has a cause of action against the officer or public
19 body for any damages resulting from the denial.

20 D. A PERSON WHO REQUESTS ACCESS TO INSPECT OR COPY A PUBLIC RECORD
21 UNDER THIS ARTICLE HAS THIRTY DAYS TO INSPECT, RETRIEVE OR PAY FOR THE PUBLIC
22 RECORD. IT IS A DEFENSE TO ANY ACTION UNDER THIS ARTICLE IF A PERSON WHO
23 REQUESTS ACCESS TO INSPECT OR COPY A PUBLIC RECORD HAS PREVIOUSLY REQUESTED
24 BUT FAILED TO INSPECT, RETRIEVE OR PAY FOR COPIES OF THE PUBLIC RECORD.